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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/616,956	07/14/2000	Pankaj K. Jha	0325.00371	6699

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EXAMINER

NGUYEN, TOAN D

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 10/24/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/616,956

Applicant(s)

JHA, PANKAJ K.

Examiner

Toan D Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3,4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. Figures 1-3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6, 9 and 14-18 are rejected under 35 U.S.C. 102(e) as being anticipated by O'Connor (U.S. Patent 6,356,544 B1).

For claim 1, O'Connor discloses SONET add/drop multiplexer with packet over SONET capability comprising an apparatus configured to transport one or more packets within a frame (Abstract lines 1-3 and col. 1 lines 4-10), one or more nodes configured to add and/or drop at least one of said one or more packets from said frame (figure 2, col. 1 lines 4-10 and col. 3 line 61-67).

For claim 2, O'Connor discloses wherein said one or more nodes comprise add/drop multiplexers (ADMs) (figure 2, col. 3 lines 61-67).

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For claim 3, O'Connor discloses wherein said one or more nodes comprises SONET/SDH add/drop multiplexers (ADMs) (figure 2, col. 3 lines 61-67).

For claim 4, O'Connor discloses wherein said frame is further configured to optimize a bandwidth of said apparatus (col. 2 lines 27-29).

For claim 5, O'Connor discloses wherein said apparatus comprises a fiber optic network (figure 2, col. 3 lines 61-64).

For claim 6, O'Connor discloses wherein said apparatus comprises a SONET/SDH fiber optic network (figure 2, col. 3 lines 61-67).

For claim 9, O'Connor discloses wherein said one or more packets are selected from a group consisting of IP packets, Packet -Over-SONET/SDH (POS), PPP packets, ATM cells, 6.702-based PDH (T1/T3) packets, Frame Relay packets, and any other byte stream (figure 2, col. 1 lines 4-6, col. 3 line 61 to col. 4 line 11).

For claim 14, O'Connor discloses wherein each of said one or more nodes is selected from the group of (i) terminal multiplexers and (ii) SONET/SDH ADMs and (iii) data-aware SONET/SDH ADMs and (iv) digital cross-connects (DCCs) (figure 2, col. 3 lines 62-64).

For claim 15, O'Connor discloses SONET add/drop multiplexer with packet over SONET capability comprising one or more nodes configured to interface a network, wherein each of said one or more nodes is configured to interface one or more data types (col. 4 lines 40-45 and col. 4 lines 56-60).

For claim 16, O'Connor discloses SONET add/drop multiplexer with packet over SONET capability comprising the steps of:

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(A) adding at least one of said one or more packets (Abstract lines 1-8 and col. 1 lines 4-10); and

(B) dropping at least one of said one or more packets (Abstract lines 1-8 and col. 1 lines 4-10).

For claim 17, O'Connor discloses (C) identifying a data type of said one or more packets (col. 4 lines 5-11 and col. 36-45).

For claim 18, O'Connor discloses wherein said one or more packet is selected from a group consisting of IP packets, Packet -Over-SONET/SDH (POS), PPP packets, ATM cells, 6.702-based PDH (T1/T3) packets, SRP packets, Frame Relay packets, or bytestream (figure 2, col. 1 lines 4-6, col. 3 line 61 to col. 4 line 11).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7-8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Connor (U.S. Patent 6,356,544 B1) in view of Livermore et al. (U.S. Patent 6,542,511 B1).

For claims 7-8 and 13, O'Connor does not disclose wherein said packet further comprise a header configured to identify a data type of said one or more packets. In an analogous art, Livermore et al. disclose wherein said packet further comprise a header configured to identify a data type of said one or more packets (figure 5, col. 6 lines 29-31). Livermore et al. disclose

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further wherein said header comprises frame specific information (col. 6 lines 58-60 as set forth in claim 8); wherein each of said one or more packets comprise a payload header configured to store packet specific information (col. 6 lines 29-34 as set forth in claim 13).

One skilled in the art would have recognized a header to use the teachings of Livermore et al. in the system of O'Connor. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the header as taught by Livermore et al. in O'Connor's system with the motivation being to include an indication (address) of a destination node and the length of its container (the number of data units for example) (col. 6 lines 31-34).

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Connor (U.S. Patent 6,356,544 B1) in view of Uphadya et al. (U.S. Patent 5,949,755).

For claim 10, O'Connor does not disclose wherein said apparatus comprises a media selected from the group consisting of ring and point-to-point networks and non-SONET/SDH configurations such as point-to-point WDM networks. In an analogous art, Uphadya et al. disclose wherein said apparatus comprises a media selected from the group consisting of ring and point-to-point networks and non-SONET/SDH configurations such as point-to-point WDM networks (col. 3 lines 27-31).

One skilled in the art would have recognized a media selected from the group consisting of ring and point-to-point networks and non-SONET/SDH configurations to use the teachings of Uphadya et al. in the system of O'Connor. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the media selected from the group consisting of ring and point-to-point networks and non-SONET/SDH configurations as taught by Uphadya et al. in O'Connor's system with the motivation being to protect ATM traffic against

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synchronous optical network fiber cuts or other type of transmission media failures in the network (col. 3 lines 32-44).

7. Claims 11-12 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Connor (U.S. Patent 6,356,544 B1) in view of Larsen (U.S. Patent 4,237,553).

For claims 11-12 and 19-20, O'Connor does not disclose wherein each of said nodes is further configured to determine a reusability of each of said one or more packets. In an analogous art, Larsen discloses wherein each of said nodes is further configured to determine a reusability of each of said one or more packets (col. 5 lines 44-58). Larsen discloses further wherein each of said nodes is further configured to determine a reusability of each of said one or more packets in response to a reuse bit (col. 5 lines 44-58 as set forth in claim 12); (D) determining a reusability of each of said one or more packets (col. 5 lines 44-58 as set forth in claim 19); wherein step (D) is further configured in response to a reuse bit (col. 5 lines 44-58 as set forth in claim 20).

One skilled in the art would have recognized a reusability of each of said one or more packets to use the teachings of Larsen in the system of O'Connor. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the reusability of each of said one or more packets as taught by Larsen in O'Connor's system with the motivation being to provide a control station includes equipment for formatting the staggered multiplexed packet format and doing certain other housekeeping functions (col. 5 lines 44-46).

Contact Information

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan D Nguyen whose telephone number is 703-305-0140. The examiner can normally be reached on Monday- Friday (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Huy Vu can be reached on 703-308-6602. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

Toan D. Nguyen
Toan D. Nguyen